

remaining claims to be completed in the coming 6-8 weeks. We will update you when all claims are complete.

From: Prible, John M.
To: Gartrell, Peter (Aging)
Cc: Hartman, Doug (Aging); Shakow, Peter
Subject: RE: Follow Up on
UnitedHealthcare's Response
Date: Friday, January 14, 2022 5:12:29 PM

Peter, thank you for your recent email, in which you asked for an update on our voluntary efforts to retroactively increase reimbursement to \$40 for COVID-19 vaccine administration. Answers to your questions are provided below; however, we expect that this confidential information will not be shared with third parties.

To date, we have retroactively reimbursed providers for 1,640,996 claims, or more than 99.8% of all affected claims. The average additional payment for those claims was \$14.55, for a total of approximately \$23.9 million in additional payments. At this time, fewer than 2,900 claims (less than 0.2% percent of all affected claims) remain to be reprocessed. Because the original paid amount on those remaining claims averaged about \$36, the average additional reimbursement to be paid will be about \$4. Those remaining reimbursements continue to be prioritized and sent out the door. We anticipate those few remaining claims will be completed by February 1, 2022.

We note that you asked for claims and payment data by state. There are a few reasons we are not able to cut this data cleanly by state, including that providers submit claims via tax identification numbers (TIN), many of which cover physicians (and therefore claims) from multiple states.

You also asked for additional information about how we will shorten the adoption time of new rates in this or a future national public health emergency (NPHE). As we stated previously, contracts between United and its network provider groups specifically provide for time to implement new rates in an orderly way. We understand this to be routine across the industry, understood and long accepted by the provider community, and entirely proper. If there is another NPHE or there are exceptional circumstances which dictate more timely adoption of new rates, we have learned over the past few months the required technology and human resources that need to be brought forward to accelerate. As a point of reference, should circumstances justify it, we commit to implement new codes in an NPHE faster than industry standard.

JOHN PRIBLE,
Vice President, External Affairs,
UnitedHealth Group.

MIGRATORY BIRD TREATY ACT

Mr. BARRASSO. Mr. President, I often hear from people in Wyoming who are concerned about the changes being proposed in Washington, DC. When the Federal Government changes the rules, authorities, or standards, it can significantly impact critical Wyoming industries.

In the "Wyoming Livestock Roundup," a weekly news source for Wyoming's ranchers, farmers, and Agribusiness community, Sarah L. Falen authored an opinion editorial titled "The Government's Word: Should We Trust It."

She raises concerns about the Biden administration's rule revoking the Trump administration policy prohibiting prosecution for accidentally

harming migratory birds under the Migratory Bird Treaty Act. While there has been a lot of discussion about the impact on the energy industries, Sarah Falen points out how the new rule could affect the agriculture industry. It is important that Congress note these consequences and the uncertainty created by the Biden administration's rule.

Mr. President, I ask unanimous consent to have printed in the RECORD the opinion editorial written by Sarah L. Falen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT'S WORD: SHOULD WE TRUST IT?

(By Sarah L. Falen)

Americans trust the U.S. government less and less. In fact, according to the Edelman Trust Barometer, trust in the federal government hovers around 40%. Yet, with the revocation of the Trump Administration's rule that prohibits prosecution for accidentally harming migratory birds under the Migratory Bird Treaty Act (MBTA), the Biden Administration is asking citizens to do just that, "trust" the federal government.

People involved in industries such as energy or agriculture have a clear understanding of how environmental legislation, originally passed with the best intention, has been weaponized to negatively affect their livelihoods. One of the lesser known, but just as dangerous environmental swords is the MBTA. While it is easy to see that energy industries, such as oil and gas, wind or even solar would be impacted by the Biden decision, this Act has the potential for very serious impacts on the agriculture industry.

The MBTA is a statute that allows for the criminal prosecution of any person who "incidentally takes" a migratory bird. To understand the breath of this Act, there are two important concepts. First, nearly all birds in the U.S. are considered migratory. Second, what constitutes an "incidental take." The MBTA states that "it [is] unlawful at any time, . . . to pursue, hunt, take, capture, kill, . . . any migratory bird . . ." 16 U.S.C. 703(a). If you read that language, it would make sense that this Act is referring to someone who intends to kill a migratory bird. That commonsense reading is what the Trump MBTA rule enforced . . . only those engaged in an action that purposefully "takes" a migratory bird would be subject to fines and prison time. This is not how the Biden Administration reads that language.

According to the Biden Administration, even if a person is doing something that accidentally harms a migratory bird, that person can still be criminally liable. Thus, someone can be prosecuted for an action or inaction that is otherwise legal, but just so happens to "take" a migratory bird.

We should all be concerned about the Biden Administration allowing "incidental take" to be prosecuted because there is no limit on what can be prosecuted. This means that if a farmer uses a pesticide that is legally administered and a migratory bird just so happens to ingest that pesticide, he could be subject to criminal prosecution. The MBTA allows for up to a \$5,000 fine or six months in prison for an incidental take.

The scenarios under which a person can accidentally kill a migratory bird are infinite and can be ridiculous. Yet, the government expects us to believe that they will only prosecute "foreseeable" accidental killings of migratory birds. It is foreseeable that a bird can ingest a legally administered pes-

ticide. Are farmers now risking prison time for growing the food that feeds America and the world?

The Biden Administration has entertained the idea of an "incidental take permit" that might remove some of the liability for birds that are accidentally killed, however they have not developed the idea enough to know what the permit would look like. There aren't any standards for what actions would be exempt from liability under the permit system and the MBTA office doesn't have enough staff to begin handling the undoubtedly thousands of permit applications they will receive.

The government has often implemented rules, promising it will not take advantage of its authority, but time after time this has proven to be just a way to get a rule approved or legislation passed. From wolves and grizzly bears to ever changing definitions of "navigable waters," the government has proven that its word should not be trusted and the MBTA is no exception.

PUBLIC SERVICE REVIEW

Mr. WICKER. For all who are looking for encouragement about the future of our country, I want to call attention to the Fall 2021 issue of "Public Service Review," produced by the Stennis Center for Public Service and available at www.stennis.gov. "Public Service Review" features rising young leaders across the country sharing their own experiences, insights, and aspirations as they engage in public service, both in their communities and around the world. The commitment of these future leaders to keeping our Nation strong and free is truly inspiring.

The eight authors featured in the fall 2021 issue are Alexis Eberlein of Ohio University, Sarah Glaser of the University of South Florida, Hannah Krawczyk of Auburn University, Mia Robertson of Mississippi State University, Alanna Cronk of Georgetown University, Katie Medford of Harvard University, Preeti Chemiti of Princeton University, and Amitoj Kaur of Miami University.

"Public Service Review" provides young leaders a platform to share stories of both challenge and hope as they focus on causes that draw their unique passions. Their stories are hopegiving to those of us currently engaged in public service and offer valuable perspectives for younger students looking to become involved.

On behalf of my colleagues and fellow members of the Stennis Center Board of Trustees, U.S. Senator CHRIS COONS, Tom Daffron, U.S. Representative TERRI SEWELL, and former U.S. Representatives Martha Roby and Gregg Harper, I commend the Stennis Center for this excellent publication and encourage its wide distribution to audiences of all ages.

TRIBUTE TO LINDA WILSON

Ms. MURKOWSKI. Mr. President, I rise today to recognize and congratulate Linda Wilson, who recently retired from the U.S. Department of Education after over 33 years of service to the American people.

Linda earned a degree from University of Arizona in 1980 before embarking on a career dedicated to public service. Linda began her service as a congressional staffer for Representative Millicent Fenwick from her home State of New Jersey. She then served the people of Illinois as a legislative aide for Representative Bob Michel. In 1989, Linda began her service at the U.S. Department of Education, engaging with State and local officials and congressional offices in both the Inter-governmental Affairs Office and the Office of Legislation and Congressional Affairs, serving 9 of the 12 U.S. Secretaries of Education across political parties.

Linda has been an indispensable resource in my work on the Senate Health, Education, Labor, and Pensions Committee and the Senate Appropriations Committee, of which I am a member. She assisted me to solve innumerable problems and concerns important to my constituents. She provided information about various administrations' implementation of important Federal programs, such as the Alaska Native Educational Equity Program, the Native American Language program, the State-Tribal Education Partnership program, and Impact Aid, in addition to providing insight into the Department's budget priorities. In addition to her expertise on these issues, she always approached my questions and concerns with the utmost diligence and attention, providing the support necessary for me to craft legislation that meets the needs of my constituents and the American people.

I am grateful for Linda's professionalism and dedication. I thank her and congratulate her on her upcoming retirement and wish her well in the future.

VOTING RIGHTS

Mrs. SHAHEEN. Mr. President, on Monday, our Nation celebrated the life and legacy of Rev. Martin Luther King, Jr. Like many Americans, it was a day of self-reflection for me. While leading a bipartisan delegation to Ukraine, I had a front-row seat to a nation struggling to hold on to its democracy in the face of a potential outside attack. This comes at a very poignant moment in America's history when we were reminded of the strength and fragility of our own democracy.

One year ago, a violent mob fueled by false claims of widespread election fraud stormed the U.S. Capitol. This was the most significant assault on the Capitol since the War of 1812. Although State and Federal judges ruled against efforts to overturn the results of the election, this lie of election fraud has continued to propagate. And now, those who didn't like the 2020 election results are trying to rewrite the rules.

Since the 2020 elections, Republican State lawmakers have passed an unprecedented number of bills to erode the authority of state and local elec-

tion officials. These new laws would strip secretaries of state of their authority, allow partisan ballot reviews, and even make local election officials criminally or financially liable for technical errors and actions, such as proactively sending out absentee ballot applications.

In total, 19 States have passed regressive laws that make it harder to vote and, in some extreme cases, may even allow Republican-controlled legislatures to overturn the results of a legitimate election by using false claims of voter fraud. In New Hampshire, over the past year, we have seen efforts to eliminate same-day voter registration, a measure that would disproportionately impact young voters, including college students and first-time voters.

Similarly, other efforts to prohibit students attending college in New Hampshire from voting in our State's elections would unduly burden—if not outright disenfranchise—many of those young voters. Other attempts to make voter registration more complicated have failed in court, including requirements for additional documentation for same-day registrants, and restrictions on which types of addresses are valid for registration.

These efforts are ongoing, with additional restrictive and burdensome measures being introduced as recently as the current legislative session. And it is not just our voter laws. Earlier this month, the Republican-controlled New Hampshire House approved a redistricting plan that can only be described as gerrymandering. Taken together, these measures represent a comprehensive and coordinated attempt to burden—or even deprive—certain Granite State citizens of their right to vote. Such blatant efforts to suppress the vote must not be tolerated.

The right to vote is one of the most fundamental and cherished principles of our democracy. The history of our Republic is marked by those seminal moments when we as a nation extended the right to cast a ballot to broader populations, thereby including more voices in our representative government: first after the Civil War with the 15th Amendment, then to women with the 19th Amendment, and then notably with the 1965 Voting Rights Act. As others have noted, the Voting Rights Act has historically drawn great bipartisan support for its reauthorization because the principles embodied in it go to the very heart of our democracy.

But the issues and challenges that are increasingly facing our voters are very real and very troubling—and we must take them seriously or risk eroding that most fundamental of rights. Making voter registration more difficult or making the process of voting more burdensome has disproportionate effects on some of the most vulnerable voters—whether those be young voters, communities of color, the poor, the homeless, among others. Eliminating or limiting opportunities for early vot-

ing, same-day registration, voting by mail, automatic registration, or the use of absentee ballots are all different pathways to the same pernicious effect—the suppression of the vote.

That is why I am proud to cosponsor the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. Together, these bills would standardize voting election laws across the country, expand voting access and restore key provisions of the 1965 Voting Rights Act that have been struck down or weakened by the Supreme Court.

The right to vote isn't determined by political affiliation. It is the most sacred right enshrined in the U.S. Constitution for every eligible American and ensures that our country is, as President Lincoln said, "government of the people, by the people, for the people."

I am deeply disappointed by the inability—or unwillingness—of this august body to come together today to take this basic step in defense of our democracy. We, the U.S. Senate, ought to be the foremost champions and defenders of democracy, but today, I fear that we have allowed partisan considerations to distract us from that duty.

We cannot afford to stay silent and ignore these measures that attempt to undo the progress that we have made over decades. We especially cannot stay silent when all of us here witnessed the horrific events of January 2021 and the attempt to undo a legitimate election. Protecting voting rights for every American is the first and irreplaceable step towards protecting our democracy. We must take it seriously, we must not let it wither in the dark, and we must not stay silent. It is far too important—and once damaged, it is far too hard to rebuild.

ADDITIONAL STATEMENTS

RECOGNIZING POWELL VALLEY MILLWORK

• Mr. PAUL. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week, I recognize an outstanding Kentucky small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize the small business, Powell Valley Millwork of Clay City, KY, as the Senate Small Business of the Week.

Twenty-seven years ago Jim Thornberry and his son Jimmy left the mining industry behind in search of a new venture. Shortly thereafter, Powell Valley Millwork was founded. The Thornberry's started their mill with the desire to harvest a tangible product within a sustainable industry, and that mission has stayed at the heart of their business throughout their decades of growth and success.

The talent and substance of Powell Valley Millwork draws directly from our State, with the mill focusing on only one species of lumber: poplar. As